

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: :  
**ROBERT A. LAGRASSA** :  
Debtor :  
: Bk. No. 05-23829 TMT  
: Chapter No. 07  
**CITIMORTGAGE, INC. AS SERVICER FOR THE** :  
**MORTGAGEE OF RECORD** :  
: Movant :  
: 11 U.S.C. §362  
v. :  
**ROBERT A. LAGRASSA** :  
and :  
**CHRISTINE C. SHUBERT, ESQUIRE (TRUSTEE)** :  
Respondents :  
:

**MOTION OF CITIMORTGAGE, INC. AS SERVICER FOR THE MORTGAGEE OF RECORD  
FOR RELIEF FROM AUTOMATIC STAY UNDER §362 PURSUANT TO BANKRUPTCY  
PROCEDURE RULE 4001**

Movant, by its attorneys, PHELAN HALLINAN & SCHMIEG, LLP, hereby requests a termination of Automatic Stay and leave to foreclose on its mortgage on real property owned by Debtor ROBERT A. LAGRASSA.

1. Movant is **CITIMORTGAGE, INC. AS SERVICER FOR THE MORTGAGEE OF RECORD.**

2. Debtor, ROBERT A. LAGRASSA is the owner of the premises located at **340 WATERS EDGE LANE, LANCASTER, PA 17602**, hereinafter known as the mortgaged premises.

3. Movant is the holder of a mortgage on the mortgaged premises.

4. Movant has instituted or wishes to institute foreclosure proceedings on the mortgage because of Debtor's failure to make the monthly payment required hereunder.

5. The foreclosure proceedings filed or to be instituted were stayed by the filing of the instant Chapter 7 Petition.

6. Debtor is in default of mortgage from February 1, 2005 to the present date.

7. The amount necessary to reinstate the account is \$13,880.80.

8. The total amount of debt as of this date is \$446,504.32.

9. Movant, **CITIMORTGAGE, INC. AS SERVICER FOR THE MORTGAGEE OF RECORD**

**OF RECORD** requests the Court award reimbursement in the amount of \$0.00 for the legal fees and costs associated with this Motion.

10. Movant has cause to have the Automatic Stay terminated as to permit Movant to complete foreclosure on its mortgage.

11. Respondent, CHRISTINE C. SHUBERT, Esquire, is the Trustee appointed by the Honorable Court.

12. Rule 4001 (a)(3) should not be applicable and **CITIMORTGAGE, INC. AS SERVICER FOR THE MORTGAGEE OF RECORD** should be allowed to immediately enforce and implement the Order granting relief from the automatic stay.

**WHEREFORE**, Movant respectfully requests that this Court enter an Order;

a. modifying the Automatic Stay under §362 with respect to the mortgaged premises as to permit Movant to foreclose on its mortgage and allow Movant or any other purchaser at Sheriff's Sale to take any legal or consensual action for enforcement of its right to possession of, or title to, said premises and for legal fees and costs incurred with regard to this Motion; and

b. that Rule 4001(a)(3) is not applicable and **CITIMORTGAGE, INC. AS SERVICER FOR THE MORTGAGEE OF RECORD** may immediately enforce and implement the Order granting relief from the automatic stay; and

c. any other relief that this Court deems equitable and just.

/s/ JAY B. JONES, ESQUIRE  
PHELAN HALLINAN & SCHMIEG, LLP  
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Dated: July 20, 2005